

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROBERT LIRIANO,

Plaintiff,

-V-

MENACHEM OVADIA, et al.,

Defendants.

23-CV-02829 (JAV)

ORDER SCHEDULING  
DEFAULT  
JUDGMENT  
BRIEFING

JEANNETTE A. VARGAS, United States District Judge:

Plaintiff has represented that Defendants Menachem Ovadia, Moti Mizrahy, and Sigalit Mizrahy (“Defendants”) have been served with the Complaint, which is the document that sets forth Plaintiff’s claims against Defendants. On April 17, 2024, Defendants filed an Answer in response to the Complaint. ECF No. 20. On December 13, 2024, Counsel for Defendants, David Pretter, filed a Motion to Withdraw as counsel due to a conflict of interest. ECF No. 34. On January 10, 2025, Magistrate Judge Cave: 1) granted the Motion to Withdraw; 2) stayed this matter “for a period of 30 days to permit Defendants to retain new counsel to represent them” and ordered counsel for Defendants to file notices of appearance or Defendants to file requests for additional time to retain new counsel by February 10, 2025; and 3) warned Defendants that if they failed to obtain new counsel it could result in an “entry of a certificate of default and a default judgment.” ECF No. 42. On February 25, 2025, Judge Cave issued an Order to Initiate Default Proceedings, stating “[d]espite the Court’s clear warnings, new counsel has not appeared on Defendants’ behalf, and Defendants have not requested additional time to comply. ECF No. 47. Accordingly, Judge Cave ordered the Plaintiff to “request a Certificate of Default from the Clerk of Court by Tuesday, March 4, 2025 and to file a Motion for Default Judgment in

accordance with the Individual Practices of the Honorable Jeannette A. Vargas, Rule 55 of the Federal Rules of Civil Procedure, and S.D.N.Y. Local Rule 55 by no later than Tuesday, March 18, 2024 [sic].” *Id.*

On **March 27, 2025**, Plaintiff filed a motion for a default judgment under Federal Rule of Civil Procedure 55(b)(2) and Local Civil Rule 55.2(b). *See* ECF No. 66. A default judgment is a legal ruling that ends the litigation in favor of a plaintiff as a result of a defendant’s failure to respond to a complaint. Should Plaintiff obtain a default judgment, the Court could grant Plaintiff some or all of the relief requested in the Complaint. The Defendants could even be determined to be liable to pay money damages to Plaintiff. If Defendants do not participate in the lawsuit now, they would likely waive their right to raise factual or legal defenses that they may have to Plaintiff’s claims.

If Defendants wish to oppose the motion for a default judgment, they must submit opposition papers by **May 27, 2025**, or seek an extension of time by which to submit such papers. If Defendants do not have an attorney, they can submit the opposition papers as PDFs by email to [Pro\\_Se\\_Filing@nysd.uscourts.gov](mailto:Pro_Se_Filing@nysd.uscourts.gov). A party who is unable to use email may still submit documents by regular mail to the Daniel Patrick Moynihan Courthouse, Pro Se Intake Unit, 500 Pearl St., Room 205, New York, NY 10007, or in person at the drop box located at the U.S. Courthouse at 500 Pearl Street.

Additionally, a hearing on the default judgment motion will be held before this Court on **June 16, 2025, at 12:00 p.m.**, in Courtroom 14C, United States Courthouse, 500 Pearl Street, New York, New York, to determine whether a default judgment should be entered against Defendants.


No later than Thursday the week prior to the conference date, Plaintiffs must file the

proposed default judgment order electronically, using the ECF Filing Event “Proposed Default Judgment,” for the Clerk’s approval.

**Within one business day of the date of this Order**, Plaintiff is ORDERED to serve Defendants via overnight courier and email with (1) a copy of the motion for default judgment and all supporting papers; and (2) a copy of this Order. **Within two business days of service**, Plaintiff must file proof of such service on the docket.

SO ORDERED.

Dated: April 17, 2025  
New York, New York

  
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JEANNETTE A. VARGAS  
United States District Judge